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State Bar Court of California Hearing Department Los Angeles ACTUAL SUSPENSION		
Counsel For The State Bar Hugh G. Radigan Deputy Trial Counsel 1149 South Hill Street Los Angeles, California 90015 213-765-1206 Bar # 94251	Case Number(s): 08-J-10384	For Court use only <div style="text-align: center;"> FILED SEP 12 2011 <i>He</i> STATE BAR COURT CLERK'S OFFICE LOS ANGELES </div>
In Pro Per Respondent Richard Neil Ivker <i>254 Oak Lane</i> 240 Commercial Street - Glenwood Boston, Massachusetts 02109 <i>Spring, CO.</i> 617-840-9820 <i>81601</i>	PUBLIC MATTER	
Bar # 96282	Submitted to: Assigned Judge STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING ACTUAL SUSPENSION <input checked="" type="checkbox"/> PREVIOUS STIPULATION REJECTED	
In the Matter of: Richard Neil Ivker Bar # 96282 A Member of the State Bar of California (Respondent)		

Note: All information required by this form and any additional information which cannot be provided in the space provided, must be set forth in an attachment to this stipulation under specific headings, e.g., "Facts," "Dismissals," "Conclusions of Law," "Supporting Authority," etc.

A. Parties' Acknowledgments:

- (1) Respondent is a member of the State Bar of California, admitted December 16, 1980.
- (2) The parties agree to be bound by the factual stipulations contained herein even if conclusions of law or disposition are rejected or changed by the Supreme Court.
- (3) All investigations or proceedings listed by case number in the caption of this stipulation are entirely resolved by this stipulation and are deemed consolidated. Dismissed charge(s)/count(s) are listed under "Dismissals." The stipulation consists of 13 pages, not including the order.

(Effective January 1, 2011)

Actual Suspension



- (4) A statement of acts or omissions acknowledged by Respondent as cause or causes for discipline is included under "Facts."
- (5) Conclusions of law, drawn from and specifically referring to the facts are also included under "Conclusions of Law".
- (6) The parties must include supporting authority for the recommended level of discipline under the heading "Supporting Authority."
- (7) No more than 30 days prior to the filing of this stipulation, Respondent has been advised in writing of any pending investigation/proceeding not resolved by this stipulation, except for criminal investigations.
- (8) Payment of Disciplinary Costs—Respondent acknowledges the provisions of Bus. & Prof. Code §§6086.10 & 6140.7. (Check one option only):
 - ☐ Until costs are paid in full, Respondent will remain actually suspended from the practice of law unless relief is obtained per rule 5.130, Rules of Procedure.
 - ☒ Costs are to be paid in equal amounts prior to February 1 for the following membership years: two billing cycles following the effective date of the Supreme Court order. (Hardship, special circumstances or other good cause per rule 5.132, Rules of Procedure.) If Respondent fails to pay any installment as described above, or as may be modified by the State Bar Court, the remaining balance is due and payable immediately.
 - ☐ Costs are waived in part as set forth in a separate attachment entitled "Partial Waiver of Costs".
 - ☐ Costs are entirely waived.

B. Aggravating Circumstances [for definition, see Standards for Attorney Sanctions for Professional Misconduct, standard 1.2(b)]. Facts supporting aggravating circumstances are required.

- (1) ☐ **Prior record of discipline** [see standard 1.2(f)]
 - (a) ☐ State Bar Court case # of prior case
 - (b) ☐ Date prior discipline effective
 - (c) ☐ Rules of Professional Conduct/ State Bar Act violations:
 - (d) ☐ Degree of prior discipline
 - (e) ☐ if Respondent has two or more incidents of prior discipline, use space provided below.
- (2) ☒ **Dishonesty:** Respondent's misconduct was surrounded by or followed by bad faith, dishonesty, concealment, overreaching or other violations of the State Bar Act or Rules of Professional Conduct. (see attachment to stipulation at page 11)
- (3) ☐ **Trust Violation:** Trust funds or property were involved and Respondent refused or was unable to account to the client or person who was the object of the misconduct for improper conduct toward said funds or property.
- (4) ☒ **Harm:** Respondent's misconduct harmed significantly a client, the public or the administration of justice. (see attachment to stipulation at page 11)

- (5) ☐ **Indifference:** Respondent demonstrated indifference toward rectification of or atonement for the consequences of his or her misconduct.
- (6) ☐ **Lack of Cooperation:** Respondent displayed a lack of candor and cooperation to victims of his/her misconduct or to the State Bar during disciplinary investigation or proceedings.
- (7) ☐ **Multiple/Pattern of Misconduct:** Respondent's current misconduct evidences multiple acts of wrongdoing or demonstrates a pattern of misconduct.
- (8) ☐ **No aggravating circumstances** are involved.

Additional aggravating circumstances:

C. Mitigating Circumstances [see standard 1.2(e)]. Facts supporting mitigating circumstances are required.

- (1) ☐ **No Prior Discipline:** Respondent has no prior record of discipline over many years of practice coupled with present misconduct which is not deemed serious.
- (2) ☐ **No Harm:** Respondent did not harm the client or person who was the object of the misconduct.
- (3) ☒ **Candor/Cooperation:** Respondent displayed spontaneous candor and cooperation with the victims of his/her misconduct and to the State Bar during disciplinary investigation and proceedings. (see attachment to stipulation at page 11)
- (4) ☐ **Remorse:** Respondent promptly took objective steps spontaneously demonstrating remorse and recognition of the wrongdoing, which steps were designed to timely atone for any consequences of his/her misconduct.
- (5) ☐ **Restitution:** Respondent paid \$ on in restitution to without the threat or force of disciplinary, civil or criminal proceedings.
- (6) ☐ **Delay:** These disciplinary proceedings were excessively delayed. The delay is not attributable to Respondent and the delay prejudiced him/her.
- (7) ☐ **Good Faith:** Respondent acted in good faith.
- (8) ☐ **Emotional/Physical Difficulties:** At the time of the stipulated act or acts of professional misconduct Respondent suffered extreme emotional difficulties or physical disabilities which expert testimony would establish was directly responsible for the misconduct. The difficulties or disabilities were not the product of any illegal conduct by the member, such as illegal drug or substance abuse, and Respondent no longer suffers from such difficulties or disabilities.
- (9) ☐ **Severe Financial Stress:** At the time of the misconduct, Respondent suffered from severe financial stress which resulted from circumstances not reasonably foreseeable or which were beyond his/her control and which were directly responsible for the misconduct.
- (10) ☐ **Family Problems:** At the time of the misconduct, Respondent suffered extreme difficulties in his/her personal life which were other than emotional or physical in nature.
- (11) ☐ **Good Character:** Respondent's good character is attested to by a wide range of references in the legal and general communities who are aware of the full extent of his/her misconduct.

- (12) ☒ **Rehabilitation:** Considerable time has passed since the acts of professional misconduct occurred followed by convincing proof of subsequent rehabilitation. (see attachment to stipulation at pages 11-12).

- (13) ☐ **No mitigating circumstances** are involved.

Additional mitigating circumstances:

D. Discipline:

- (1) ☒ **Stayed Suspension:**

- (a) ☒ Respondent must be suspended from the practice of law for a period of two years.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii) Standards for Attorney Sanctions for Professional Misconduct.
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

- (b) ☒ The above-referenced suspension is stayed.

- (2) ☒ **Probation:**

Respondent must be placed on probation for a period of two years, which will commence upon the effective date of the Supreme Court order in this matter. (See rule 9.18, California Rules of Court)

- (3) ☒ **Actual Suspension:**

- (a) ☒ Respondent must be actually suspended from the practice of law in the State of California for a period of one year.

- i. ☐ and until Respondent shows proof satisfactory to the State Bar Court of rehabilitation and present fitness to practice and present learning and ability in the law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct
- ii. ☐ and until Respondent pays restitution as set forth in the Financial Conditions form attached to this stipulation.
- iii. ☐ and until Respondent does the following:

E. Additional Conditions of Probation:

- (1) ☐ If Respondent is actually suspended for two years or more, he/she must remain actually suspended until he/she proves to the State Bar Court his/her rehabilitation, fitness to practice, and learning and ability in the general law, pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct.

- (2) ☒ During the probation period, Respondent must comply with the provisions of the State Bar Act and Rules of Professional Conduct.
- (3) ☒ Within ten (10) days of any change, Respondent must report to the Membership Records Office of the State Bar and to the Office of Probation of the State Bar of California ("Office of Probation"), all changes of information, including current office address and telephone number, or other address for State Bar purposes, as prescribed by section 6002.1 of the Business and Professions Code.
- (4) ☒ Within thirty (30) days from the effective date of discipline, Respondent must contact the Office of Probation and schedule a meeting with Respondent's assigned probation deputy to discuss these terms and conditions of probation. Upon the direction of the Office of Probation, Respondent must meet with the probation deputy either in-person or by telephone. During the period of probation, Respondent must promptly meet with the probation deputy as directed and upon request.
- (5) ☒ Respondent must submit written quarterly reports to the Office of Probation on each January 10, April 10, July 10, and October 10 of the period of probation. Under penalty of perjury, Respondent must state whether Respondent has complied with the State Bar Act, the Rules of Professional Conduct, and all conditions of probation during the preceding calendar quarter. Respondent must also state whether there are any proceedings pending against him or her in the State Bar Court and if so, the case number and current status of that proceeding. If the first report would cover less than 30 days, that report must be submitted on the next quarter date, and cover the extended period.

In addition to all quarterly reports, a final report, containing the same information, is due no earlier than twenty (20) days before the last day of the period of probation and no later than the last day of probation.

- (6) ☐ Respondent must be assigned a probation monitor. Respondent must promptly review the terms and conditions of probation with the probation monitor to establish a manner and schedule of compliance. During the period of probation, Respondent must furnish to the monitor such reports as may be requested, in addition to the quarterly reports required to be submitted to the Office of Probation. Respondent must cooperate fully with the probation monitor.
- (7) ☒ Subject to assertion of applicable privileges, Respondent must answer fully, promptly and truthfully any inquiries of the Office of Probation and any probation monitor assigned under these conditions which are directed to Respondent personally or in writing relating to whether Respondent is complying or has complied with the probation conditions.
- (8) ☐ Within one (1) year of the effective date of the discipline herein, Respondent must provide to the Office of Probation satisfactory proof of attendance at a session of the Ethics School, and passage of the test given at the end of that session.
 - ☒ No Ethics School recommended. Reason: Respondent resides in Colorado and it is anticipated that the Supreme Court of Colorado will order Respondent to attend the ethics school sponsored by the Office of Attorney regulation there as part of his reinstatement application. (see attachment to stipulation at page 12).
- (9) ☐ Respondent must comply with all conditions of probation imposed in the underlying criminal matter and must so declare under penalty of perjury in conjunction with any quarterly report to be filed with the Office of Probation.
- (10) ☐ The following conditions are attached hereto and incorporated:

- | | |
|-----------------------------------------------------|-----------------------------------------------------------|
| <input type="checkbox"/> Substance Abuse Conditions | <input type="checkbox"/> Law Office Management Conditions |
| <input type="checkbox"/> Medical Conditions | <input type="checkbox"/> Financial Conditions |

F. Other Conditions Negotiated by the Parties:

- (1) ☒ **Multistate Professional Responsibility Examination:** Respondent must provide proof of passage of the Multistate Professional Responsibility Examination ("MPRE"), administered by the National Conference of Bar Examiners, to the Office of Probation during the period of actual suspension or within one year, whichever period is longer. **Failure to pass the MPRE results in actual suspension without further hearing until passage. But see rule 9.10(b), California Rules of Court, and rule 5.162(A) & (E), Rules of Procedure.**
- ☐ No MPRE recommended. Reason: .
- (2) ☒ **Rule 9.20, California Rules of Court:** Respondent must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (3) ☐ **Conditional Rule 9.20, California Rules of Court:** If Respondent remains actually suspended for 90 days or more, he/she must comply with the requirements of rule 9.20, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 calendar days, respectively, after the effective date of the Supreme Court's Order in this matter.
- (4) ☐ **Credit for Interim Suspension [conviction referral cases only]:** Respondent will be credited for the period of his/her interim suspension toward the stipulated period of actual suspension. Date of commencement of interim suspension: .
- (5) ☐ **Other Conditions:**

ATTACHMENT TO
STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION

IN THE MATTER OF: Richard Neil Ivker

CASE NUMBER(S): ET AL. 08-J-10384

AGREEMENTS AND WAIVERS PURSUANT TO BUSINESS AND PROFESSIONS CODE SECTION 6049.1.

1. Respondent's culpability determined in the disciplinary proceeding in the state of Massachusetts would warrant the imposition of discipline in the State of California under the laws or rules in effect in this State at the time the misconduct was committed; and

2. The proceeding in the above jurisdiction provided respondent with fundamental constitutional protection.

FACTS AND CONCLUSIONS OF LAW.

Respondent admits that the following facts are true and that he is culpable of violations of the specified statutes and/or Rules of Professional Conduct.

Facts

3. At all relevant times to the stipulated facts herein, Respondent was a member of the State Bar of California and Massachusetts.

4. On January 18, 1994, Respondent was retained and paid a \$10,000.00 fee to represent Luis Espada with respect to criminal charges of operating a motor vehicle after revocation of his driver's license, trafficking in cocaine over 200 grams and conspiracy to traffic in cocaine.

5. On January 19, 1994, Espada advised Respondent that he was not an American citizen and had emigrated from Columbia in 1977 at the age of eleven with his mother and stepfather.

6. On January 21, 1994, Espada's bail was reduced to \$10,000.00 cash and he was released on bail.

7. On March 16, 1994, Espada was indicted by a Worcester Superior Court grand jury on the charges of trafficking and conspiracy as well as the charge of operating a motor vehicle with a revoked license.

8. On June 30, 1994, Respondent filed an unsuccessful motion to suppress Espada's statement and the drugs seized, alleging that the stop, arrest, search, seizure and interrogation were illegal. From January 21, 1994, until his trial date of March 7, 1995, Espada was free on bail.

9. In June 1994, Respondent advised Espada that his conviction was virtually certain and that he should flee the United States. Respondent advised Espada that it was common practice for non-residents

accused of crimes to acquire a new identity and return illegally to the United States. Espada rejected this advice and told the Respondent that he wanted to go to trial.

10. On March 7, 1995, Respondent met Espada at the Worcester Superior Court for trial, at which time Respondent chided Espada for not fleeing the country. Respondent proposed to have the trial postponed for a day so that Espada could leave, a suggestion Espada refused, again advising Respondent that he wished to proceed to trial.

11. On March 7, 1995, Espada through Respondent negotiated a plea bargain in which Espada pled guilty to trafficking in cocaine under 200 grams and conspiracy to traffic while the charge of driving after revocation would be dismissed. On that day Espada entered a plea of guilty to trafficking in cocaine in an amount under 200 grams and conspiracy to traffic in cocaine and was sentenced to serve ten to twelve years on the trafficking charge and nine to ten years concurrently on the charge of conspiracy to traffic.

Legal Conclusion

By advising Espada to flee the jurisdiction to avoid prosecution and to return illegally using a false identity, Respondent willfully violated Business and Professions Code sections 6068(c) and 6106 as well as Rules of Professional Conduct, rule 3-210.

Facts

12. On December 1, 1992, Julio Flores pled guilty in the Hampden Superior Court to two counts of trafficking in cocaine in an amount under 100 grams and one count of trafficking in cocaine in an amount under 28 grams.

13. Flores was sentenced to a five year mandatory sentence on the first count, another five year sentence on the second count, to be served concurrently, and on the third count, a three year mandatory sentence, to run from and after the other sentences.

14. Flores retained Respondent in March of 1993 to review the sentence imposed because he believed the correction department had erred in its position that the three year sentence on the third count commenced running from and after the other sentences. Flores retained Respondent to revise the sentence so that the three year sentence on the third count ran concurrently with the other sentences which was his understanding at the time of the plea agreement. Respondent agreed to investigate the correct understanding of the sentence and whether the sentence conformed to the plea agreement and to seek a correction of the sentences, all for a fee of \$3,000.00.

15. On June 16, 1993, Flores' wife wired \$2,200.00 to Respondent as partial payment of his fee.

16. Between July and September of 1993, Respondent conducted an investigation into whether or not the department of corrections had correctly documented Flores' sentence. Respondent learned that the three year from and after sentence conformed to the sentence docketed by the clerk of the trial court. Besides talking to Flores, Respondent did nothing to investigate whether the sentence imposed was in conformance with the plea agreement reached between Flores' trial counsel and the District Attorney or the sentence actually pronounced by the trial court.

17. In 1994, Respondent advised Flores that there was no mistake in the sentence imposed and that he would take no additional action to seek revision of the sentences until the remainder of his fee was paid. At that point, Respondent had earned less than \$1,000.00 of the original retainer of \$2,200.00, but Respondent did not credit Flores with that amount.

18. On October 22, 1994, Flores arranged for payment of another \$500.00 to Respondent, bringing the total paid to Respondent to \$2,700.00. Respondent did not enter an appearance on behalf of Flores in any court and took no further action on Flores' behalf.

19. On February 6, 1995, Flores took steps to initiate formal action against Respondent to secure a refund resulting in his filing suit on March 29, 1995, against Respondent in Suffolk Superior Court seeking the full refund of \$2,700.00. At a mediation conducted on May 14, 1998, Respondent entered into a written agreement to refund \$1,500.00 to Flores. On May 29, 1998, Respondent refunded \$1,500.00 to Flores.

Legal Conclusion

By failing to investigate adequately the circumstances of Flores' guilty plea and sentencing, Respondent willfully violated Rules of Professional Conduct, rule 3-110(A).

By failing to promptly refund the unearned part of his fee upon termination of his representation of Flores, Respondent willfully violated Rules of Professional Conduct, rule 3-700(D)(2).

PENDING PROCEEDINGS.

The disclosure date referred to, on page 2, paragraph A(7), was August 10, 2011.

COSTS OF DISCIPLINARY PROCEEDINGS.

Respondent acknowledges that the Office of the Chief Trial Counsel has informed respondent that as of August 10, 2011, the prosecution costs in this matter are approximately \$1636.00. Respondent further acknowledges that should this stipulation be rejected or should relief from the stipulation be granted, the costs in this matter may increase due to the cost of further proceedings.

AUTHORITIES SUPPORTING DISCIPLINE.

The determination of discipline begins "by looking to the purpose of sanctions for attorney misconduct." (*In re Morse* (1995) 11 Cal.4th 184, 205.) "The primary purposes of disciplinary proceedings . . . are the protection of the public, the courts[,] and the legal profession; the maintenance of high professional standards by attorneys[;] and the preservation of public confidence in the legal profession." (Std. 1.3)

The standards provide guidance and deserve "great weight." (*In re Silvertown* (2005) 36 Cal. 4th 81, 92; *In re Morse, supra*, 11 Cal.4th at p. 205; *In re Naney* (1990) 51 Cal.3d 186, 190; *Van Sloten v. State Bar* (1989) 48 Cal.3d 921, 933, fn. 5.) "[A]dherence to the standards in the great majority of cases serves the valuable purpose of eliminating disparity and assuring consistency, that is, the imposition of similar attorney discipline for instances of similar misconduct." (*In re Naney, supra*, 51 Cal.3d at p. 190; see also *In re Brown* (1995) 12 Cal.4th 205, 220.) The California Supreme Court accepts a disciplinary recommendation resulting from application of the standards unless it has "grave doubts" about the

recommendation's propriety. (*In re Morse, supra*, 11 Cal.4th at p. 206; *In re Lamb* (1989) 49 Cal.3d 239, 245.) More recently, the California Supreme Court has maintained that the Court will accept a disciplinary recommendation resulting from the application of the standards unless it "would be manifestly unjust" to do so. (*In re Silverton, supra*, 36 Cal.4th at p. 92, interpreting Standard 1.7(a).)

Respondent has stipulated that his misconduct involved moral turpitude. Accordingly, Standard 2.3 of the Standards for Attorney Sanctions for Professional Misconduct ("Standard(s)") must be considered in determining the appropriate level of discipline.

Standard 2.3 provides that, "[C]ulpability of a member of an act of moral turpitude, fraud, or intentional dishonesty toward a court, client or another person or of concealment of a material fact to a court, client or another person shall result in actual suspension or disbarment depending upon the extent to which the victim of the misconduct is harmed or misled and depending upon the magnitude of the act of misconduct and the degree to which it relates to the member's acts within the practice of law."

In *In The Matter of Fandey* (Review Dept. 1994) 2 Cal.State Bar Ct. Rptr. 767, 780, the attorney was found culpable of aiding and abetting his client's flight from California to avoid compliance with a child support order. In light of the impact of Respondent's misconduct on the integrity of the legal profession, as well as the heightened public concern with payment of child support, the Review Department increased the Hearing Department's discipline recommendation resulting in a one year actual suspension.

AGGRAVATING CIRCUMSTANCES.

Respondent's conduct in advising his client, Espada, to flee the jurisdiction of the United States on the eve of trial, adversely reflected upon Respondent's fitness to practice, was prejudicial to the administration of justice and constituted an act of moral turpitude and as such, constitutes an aggravating factor under Standard 1.2(b)(iv).

Respondent's conduct in failing to competently perform the task associated with his retention by Flores, and his refusal to return unearned fees absent suit by the client, constitutes an aggravating factor pursuant to 1.2(b)(iii) of the Standards.

MITIGATING CIRCUMSTANCES.

Respondent's spontaneous candor and cooperation with the State Bar of California, is a mitigating factor under Standard 1.2(e)(v). Additionally, under Standard 1.2(e)(viii), the passage of considerable time has occurred since the acts of misconduct followed by convincing proof of subsequent rehabilitation as evidenced by the restoration of Respondent's privilege to practice law in Massachusetts in 2008.

STATE BAR ETHICS SCHOOL EXCLUSION

Respondent resides outside California and is unable to attend State Bar Ethics School. In lieu of State Bar Ethics School, it is recommended that within one year of the effective date of the discipline herein, Respondent must submit to the Office of Probation satisfactory evidence of completion of no less than six (6) hours of Minimum Continuing Legal Education ("MCLE") approved courses in general legal ethics. Respondent cannot satisfy this condition with the submission of satisfactory evidence that he has completed the ethics school sponsored by the Office of Attorney Regulation. That is, Respondent

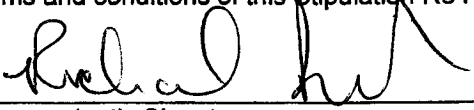
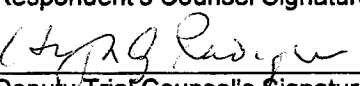
cannot apply the credits earned by attending the ethics school sponsored by the Office of Attorney Regulation to the requirement that he complete no less than six 6 hours of MCLE approved courses in general legal ethics.

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In the Matter of: RICHARD NEIL IVKER	Case number(s): 08-J-10384
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SIGNATURE OF THE PARTIES

By their signatures below, the parties and their counsel, as applicable, signify their agreement with each of the recitations and each of the terms and conditions of this Stipulation Re Facts, Conclusions of Law, and Disposition.

<u>8/28/11</u> Date	 Respondent's Signature	<u>Richard N. Ivker</u> Print Name
<u>September 6 '11</u> Date	 Respondent's Counsel Signature	<u>Hugh G. Radigan</u> Print Name

(Do not write above this line.)

In the Matter of:
RICHARD NEIL IVKER

Case Number(s):
08-J-10384

ACTUAL SUSPENSION ORDER

Finding the stipulation to be fair to the parties and that it adequately protects the public, IT IS ORDERED that the requested dismissal of counts/charges, if any, is GRANTED without prejudice, and:

- ☐ The stipulated facts and disposition are APPROVED and the DISCIPLINE RECOMMENDED to the Supreme Court.
- ☒ The stipulated facts and disposition are APPROVED AS MODIFIED as set forth below, and the DISCIPLINE IS RECOMMENDED to the Supreme Court.
- ☐ All Hearing dates are vacated.

PAGE 2 - A - (8) - Add - BILLING YEARS 2013 AND 2014 -
PAGE 5 E - (8) - DELETE - "AT PAGE 12:"
Add "AT PAGES 10-11"

The parties are bound by the stipulation as approved unless: 1) a motion to withdraw or modify the stipulation, filed within 15 days after service of this order, is granted; or 2) this court modifies or further modifies the approved stipulation. (See rule 5.58(E) & (F), Rules of Procedure.) **The effective date of this disposition is the effective date of the Supreme Court order herein, normally 30 days after file date. (See rule 9.18(a), California Rules of Court.)**

Date

09-12-11

Judge of the State Bar Court

RICHARD A. PLATEL

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of Los Angeles, on September 12, 2011, I deposited a true copy of the following document(s):

STIPULATION RE FACTS, CONCLUSIONS OF LAW AND DISPOSITION AND ORDER APPROVING

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

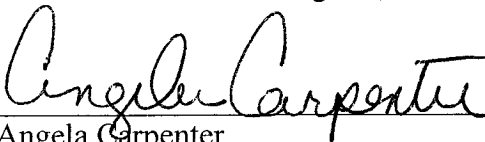
RICHARD NEIL IVKER
LAW OFCS OF RICHARD IVKER
240 COMMERCIAL ST STE 5A
BOSTON MA 02109

RICHARD NEIL IVKER
254 OAK LANE
GLENWOOD SPRINGS CO 81601

- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

HUGH RADIGAN, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on September 12, 2011.



Angela Carpenter
Case Administrator
State Bar Court